THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.17553 of 2006

DATE: 25.08.2006

Between:

T. Madhukar

... PETITIONER

AND

The Personal Manager (Recruitment Cell)
Singareni Collieries Company Limited,
Kothagudem, Khammam District.

... RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.17553 of 2006

ORDER:-

This writ petition is filed seeking a Mandamus to direct the respondent herein to consider the case of the petitioner for appointment to the post of Junior Technician (Lab) on account of the selection of the petitioner in the written test and interview conducted on 26.05.2006.

The case of the petitioner is that in response to the notification issued by the respondent-Company, he applied for the post of Junior Technician (Lab), and as no call letter for written test and the interview to be held on 26.05.2006 was received from the respondent-Company, he was compelled to file W.P. No.10480 of 2006. This Court by an interim order dated 25.05.2006 passed in the said writ petition directed the respondent-Company to consider the case of the petitioner for selection to the post of Junior Technician (Lab). Accordingly, he appeared for the written test and interview held on 26.05.2006, and his name was displayed in the list of selected candidates. Now the grievance of the petitioner is that because of pendency of writ petition No.10480 of 2006, the respondent-Company has not considered his case for appointment. Therefore, he filed the present writ petition.

First of all, the present writ petition is not maintainable for the reason that on the very same grounds as raised in this writ petition, the

petitioner already filed W.P. No. 10480 of 2006, which is pending consideration before this Court.

Be that as it may, a perusal of the marks sheet produced by the learned Standing Counsel for the respondent-Company clearly shows that the petitioner secured 54.16 percentage of marks and he is placed at Sl.No.7 in the merit list. The learned Standing Counsel for the respondent submits that as only five vacancies are available the case of the petitioner, who stood at Sl.No.7 in the merit list has not come up for consideration for appointment to the post of Junior Technician (Lab), and therefore, the petitioner cannot seek a direction from this Court for appointment to the post of Junior Technician (Lab).

Inasmuch as the petitioner secured 54.16 percentage of marks and is placed at S.No.7 in the merit list, and having regard to the fact that there are only five vacancies available for appointment, the case of the petitioner is said to have not come up for consideration, no exception can be taken to the action of the respondent-Company in not considering the case of the petitioner for the post of Junior Technician (Lab).

At this stage, learned counsel for the petitioner submits that five more vacancies are available, and in case if the respondent-Company is going to fill up those vacancies, the case of the petitioner has to be considered. The availability or otherwise of vacancies is not correctly known. Even if there are any vacancies available, it is for the concerned authorities to take a decision in the matter either to go for a fresh notification or to consider the existing list prepared in terms of the written test and interview held on 26.5.2006.

In the above circumstances, the writ petition is disposed of with the following direction:

In case, there are any vacancies available and the respondent authorities takes a decision not to go for a fresh notification and to consider the merit list prepared pursuant to the written test and

interview held on 26.5.2006 to fill up the said vacancies, the case of the petitioner shall be considered along with other eligible candidates.

With the above observation, the writ petition is disposed of. No costs.

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N.V. RAMANA, J

Date: 25.08.2006
ES/NSR